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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**  
13

14 *In re: Hyundai and Kia Engine*  
15 *Litigation*

CASE NO. 8:17-cv-00838

Member Cases: 8:17-cv-01365-JLS-JDE  
8:17-cv-02208-JLS-JDE 2:18-cv-05255-  
JLS-JDE 8:18-cv-00622-JLS-JDE

Related Case: 8:18-cv-02223-JLS-JDE

**DECLARATION OF TIONNA  
DOLIN REQUESTING  
EXCLUSION OF CONSUMER  
SEAN F. COLEMAN FROM THE  
CLASS ACTION SETTLEMENT**

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27 <sup>1</sup> Strategic Legal Practices, APC represents Sean F. Coleman, a California consumer with a  
28 pending individual case in Orange County Superior Court (Case No. 30-2019-01077334-CU-BC-CJC)  
for the limited purpose of requesting exclusion from the class settlement in the instant action.

**DECLARATION OF TIONNA DOLIN**

I, TIONNA DOLIN, declare as follows:

1. I am an attorney at law duly licensed to practice before the courts of the State of California and United States District Court in the Central District of California. I am an attorney at the law firm of Strategic Legal Practices, counsel for Sean F. Coleman, a California consumer with a pending individual case in Orange County Superior Court (Case No. 30-2019-01077334-CU-BC-CJC) for the limited purpose of requesting exclusion from the class settlement in the instant action.

2. On or about June 19, 2019, Sean F. Coleman filed his individual lawsuit against Kia Motors America, Inc., concerning his 2014 Kia Optima, VIN: 5XXGR4A60EG267188. The action is currently pending in Orange County Superior Court (Case No. 30-2019-01077334-CU-BC-CJC).

3. On or about September 16, 2020, Sean F. Coleman signed his request for exclusion letter. Attached as **Exhibit 1** is a true and correct copy of the request for exclusion letter signed by Sean F. Coleman on September 16, 2020. My office received the signed exclusion letter by September 17, 2020.

4. Defendant's Settlement Exclusion List was filed on November 12, 2020. Upon checking the list, I discovered that Sean F. Coleman was missing. Upon reviewing the file, my office inadvertently failed to complete the mailing for this exclusion letter.

5. I respectfully request that the parties and the Court honor Sean F. Coleman's request to be excluded from the class settlement, and amend the Final Order and Judgment to reflect his exclusion from the class settlement.<sup>2</sup>

6. I apologize to the Court for any inconvenience the timing of this request may cause.

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<sup>2</sup> A copy of this declaration and exclusion form will also be sent to the claims administrator.

1           7. In the alternative, I request the Court schedule a Rule 6(b)<sup>3</sup> hearing  
2 and briefing schedule. See, *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd.*  
3 *P'ship*, 507 U.S. 380, 395 (1993).<sup>4</sup>

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5           8. I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

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8 DATED: November 17, 2020

/s/ Tionna Dolin/s/

TIONNA DOLIN

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26           <sup>3</sup> Under Rule 6(b) of the Federal Rules of Civil Procedure, where the specified period for  
performance of an act has elapsed, a district court may enlarge the period and permit the tardy act  
where the omission is "result of excusable neglect."

27           <sup>4</sup> In the event a Motion is necessary, Plaintiff may also brief other issues to the Court, inter  
28 alia, the lack of prejudice to Kia because Mr. Coleman filed a individual lemon law suit and there is no  
prejudice to Kia if Mr. Coleman is excluded.